

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OLIVIA PESCATORE, *et al.*,

Plaintiffs,

vs.

JUVENAL OVIDIO RICARDO PALMERA
PINEDA, *et al.*,

Defendants,

vs.

CITIBANK, N.A.,

Turnover Respondent/Garnishee

OFAC blocked assets of:
Venezuela Ministry of Finance
a/k/a Ministerio del Poder Popular de
Economía y Finanzas

No. 1:18-mc-00545-LGS

**NOTICE OF MOTION
FOR TRIA TURNOVER**

Motion by: All Plaintiffs

Relief Demanded: Turnover of blocked assets owned by Venezuela Ministry of Finance a/k/a Ministerio del Poder Popular de Economía y Finanzas, which has been declared an agency or instrumentality of the FARC, that are held and maintained in the United States by CITIBANK, N.A. in partial satisfaction of Plaintiffs' Judgment

Supporting Papers: Jan. 14, 2019 Appendix FARC World's Largest Cocaine Supplier [DE 15, filed in *Stansell*, 1:16-mc-00405 and incorporated herein]
Jan. 14, 2019 Appendix Vol. 1 Cartel of the Suns [DE 16, filed in *Stansell*, 1:16-mc-00405 and incorporated herein]
Dec. 10, 2020 Supplemental Appendix Cartel of the Suns [DE 38]
Dec. 10, 2020 Motion, Exhibits and Expert Testimony [DE 36]
Dec. 15, 2020 Order [DE 40]
Jan. 7, 2021 Order [DE 58]
Feb. 2, 2021 Motion [DE 85]
Feb. 8, 2021 Order [DE 91]
April 9, 2021 Memorandum of Law in Support

Grounds for Relief: Fed. Rule of Civ. P. 69(a);
New York C.P.L.R. §§5230, 5232, 5225, 5227;
Section 201(a) of the Terrorism Risk Insurance Act of 2002
("TRIA"), codified at 28 U.S.C. §1610 note;
Civil remedy provisions of the Anti-Terrorism Act, 18 U.S.C.
§2333(a);
International Emergency Economic Powers Act ("IEEPA"), 50
U.S.C. § 1701 *et seq.*; Executive Order (E.O.) 13850 and OFAC's
Venezuela Sanctions regulations 31 CFR Part 591

Return Date of Motion: Absent an Order by the Court, and pursuant to S.D.N.Y.
L.R.Civ.P. 6.1(b), opposing papers (if any) shall be filed within **14**
days of the filing of this motion. Reply papers (if any) are to be
filed within seven days after service of opposing papers. NOTE: to
the extent required, the movants herein intend to file and serve
reply papers.

**Date, Time, and Place
of Hearing On Motion:** U.S. District Court for the Southern District of New York
40 Foley Square, New York, NY 10007-1312
Courtroom of the Hon. Lorna G. Schofield
Date and time of hearing (if any) to be determined by the Court

Date: April 9, 2021

Respectfully submitted,

/s/ Nathaniel A. Tarnor
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*Counsel for the Pescatore
Plaintiffs/Judgment Creditors*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 9, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I served this Notice of Motion by electronic mail or registered mail to the following persons:

VENEZUELA MINISTRY OF FINANCE
a/k/a Ministerio del Poder Popular de Economía y Finanzas
Av. Urdaneta, con Esq. de Carmelitas
Edif. Sede del MPPPF
Caracas, Distrito Capital
Venezuela

OFFICE OF FOREIGN ASSETS CONTROL
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington DC
Via email to OFAC counsel in compliance with 31 CFR 501.605

None of the FARC defendants have appeared and defaults were properly entered against them all prior to entry of the Default Judgment. Accordingly, no further notice, service of pleadings, motions or writs is required to be served on the FARC or the individual FARC members identified in the ATA Judgment. Fed. R. Civ. P. 5(a)(2).

/s/ Nathaniel A. Tarnor
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